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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

V.

DANIEL ROSENTHAL,

Defendant.

CASE NO. 14-0648 VC

STIPULATION AND ~~[PROPOSED]~~ PROTECTIVE  
ORDER RE: DISCOVERY OF FINANCIAL, TAX,  
AND PERSONAL IDENTITY INFORMATION

1 This case involves allegations that the Defendant committed bank fraud, in violation of 18  
2 U.S.C. § 1344; aggravated identity theft, in violation of 18 U.S.C. § 1028A; and money laundering, in  
3 violation of 18 U.S.C. § 1957. More specifically, the indictment alleges that the defendant used  
4 personal identifying information of a third party to obtain fraudulent loans. The discovery in this case  
5 will include confidential financial, tax and other personal information of third parties, including but not  
6 limited to: (1) Social Security numbers; (2) financial and bank records of the alleged victim; (3) tax  
7 information; and (4) personal identity information (including, for example, names, dates of birth, and  
8 driver's license numbers) (hereinafter referred to as "Confidential Information").

9 Because of the substantial amount of discovery, including discovery containing Confidential  
10 Information, that will be produced in this case, and pursuant to Federal Rule of Criminal Procedure  
11 16(d), the parties stipulate that all prior and future disclosure of discovery is subject to the following  
12 restrictions:

13 1. Except when being actively examined for the purpose of the preparation of the defense,  
14 all discovery produced by the United States shall be maintained in an area that is accessible only to  
15 defense counsel or other attorneys and employees of defense counsel's law office. Defense counsel  
16 shall not permit any person access of any kind to the discovery except as set forth below.

17 2. The following individuals may examine the discovery for the purpose of preparing the  
18 defense:

- 19 (a) Counsel for the Defendant, and any other attorneys, paralegals, or investigators in  
20 counsel's law office (the "defense team");  
21 (b) The Defendant, but only in the presence of Defendant's counsel; and  
22 (c) Any outside expert retained by the defense to analyze the discovery in this matter.

23 3. A copy of this Order shall be maintained with the discovery at all times. Counsel will  
24 advise all members of the defense team, the defendant, and any outside expert of the limitations on use  
25 of discovery and provide them with a copy of this Order.

26 4. Absent further Order of this Court, documents produced in discovery may not be  
27 provided to witnesses. However, as part of preparing a defense, the defense team may show documents  
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1 produced in discovery, including documents containing Confidential Information, to witnesses. To the  
2 extent practicable, when showing documents containing Confidential Information to witnesses, the  
3 defense team shall take efforts to limit disclosure of Confidential Information, e.g., redacting those  
4 sections of the document that do not need to be shown to a witness. The defense team shall keep a list  
5 of witnesses to whom disclosure of Confidential Information was made and the date on which disclosure  
6 was made.

7         5. All pleadings filed in the above-captioned case will comply with Federal Rule of  
8 Criminal Procedure 49.1 regarding redaction of certain identifying information. Further, all trial  
9 exhibits shall be redacted to ensure that no Confidential Information is publicly filed or displayed in  
10 court. Further, any exhibits used at trial or pre-trial hearings shall be redacted to ensure that no  
11 Confidential Information is publicly filed or displayed in court.

12         6. Within 30 days of the judgment and sentencing hearing(s) in this matter, or within 30  
13 days of any other resolution of the charges, all material provided to defense counsel pursuant to this  
14 Order, and all other authorized copies, if any, shall be returned to the United States. If an appeal is  
15 noticed and the undersigned defense counsel continue to represent the Defendants on appeal, said  
16 defense counsel may continue to retain possession of the materials according to the terms of this Order  
17 until 30 days after the conclusion of the matter in the Court of Appeals, at which point all materials  
18 produced by the United States and any authorized copies shall be returned to counsel for the United  
19 States. As an alternative to return of the materials produced and any copies, defense counsel may

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1 instead destroy the materials produced and any copies, and send a letter to counsel for the United States  
2 certifying that all such documents have been destroyed in accordance with the terms of this Order.  
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4 *February 9, 2015*  
5 Dated: January \_\_, 2015

Respectfully submitted,

6 MELINDA HAAG  
7 United States Attorney

8 *Denise M Barton*

9 DENISE MARIE BARTON  
10 Assistant United States Attorney

11 *Elizabeth Falk*

12 ELIZABETH FALK  
13 Attorney for Daniel Rosenthal  
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15 SO ORDERED: February 11, 2015

16 *Vince Chhabria*

17 THE HONORABLE VINCE CHHABRIA  
18 United States District Court Judge  
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